



April 25, 2005

Noteworthy:

"There are several different ways you can get back to [fairness]. One of them is to change the precedents of the Senate. It's called the Byrd option. Senator Byrd when he was the Majority Leader did that on four different occasions. An easier and better way obviously would be to discontinue this practice and go back to allowing nominees who have a majority support up or down vote in the senate."

-Senator McConnell, CBS' "Face The Nation," 4/24/05

"Let's talk about fundamental fairness. I've got a ream of statements from the 1990s where Democrats are accusing republicans of holding up the nominees. They all urged up-or-down votes. Senator Kennedy said, if you don't like them, vote against them. Now that's all changed because of the political moment. This filibuster is destructive for the country, it's very bad for the senate, it needs to end."

-Senator Graham, Fox's "Fox News Sunday," 4/24/05

In the Press:

[Politics, religion and the judiciary, Democrats speak in churches, so why shouldn't Republicans? By Mitch McConnell, Courier Journal, 4/24/05](#)

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Senator Bill Frist address on Judges

Politics, religion and the judiciary
Democrats speak in churches, so why shouldn't Republicans?

By Mitch McConnell
Special to The Courier-Journal

Why is it that whenever a Democrat speaks before a religious audience, he is "reaching out," but when a Republican does it, he is "divisive?"

My friend Sen. Bill Frist is being called that and worse because of his decision to speak, via videotape, at Highview Baptist Church today to rally opposition to Democrats' unprecedented obstruction of President Bush's judicial nominees. By filibustering these nominees, a minority in the Senate is refusing to allow a majority of senators to exercise their constitutional right to advise and consent, something no Senate minority has ever done in history.

Suddenly, Democrats, liberals and media elites are crawling out from all corners to denounce Frist's speech as "violating the separation of church and state." Really? I can recall many instances of Democrats visiting churches over the years, not just to speak on a policy matter but even to outright plead for votes. Either I've missed the angry editorials in this paper and others over those events, or there's an astonishing double standard afoot here.

During last year's presidential election, not only did Democratic candidate John Kerry repeatedly campaign at churches, he even quoted scripture to criticize President Bush. While quite literally preaching from the pulpit, Sen. John Kerry opened his Bible to take a shot at "our present national leadership," lecturing the congregation, "The Scriptures say, what does it profit, my brother, if someone says he has faith but does not have works?"

Sen. Hillary Clinton, back when she was still First Lady, once visited a Florida church to push her disastrous health care plan during the service. Around the same time, Sen. Clinton actually had a meeting with several Roman Catholic cardinals and bishops to tout her health plan.

My colleague Sen. Diane Feinstein, the senior senator from California, recently visited a Los Angeles church and actually gave a sermon on "values" to the congregation. She denounced President Bush's plan to strengthen and save Social Security as a threat to seniors, and actually called out to the churchgoers, "Will you help me?" Amazingly, this happened just a few days ago, while she and other Democrats were attacking Frist for doing far less.

Bill Clinton barnstormed the country's churches in his 1992 and 1996 presidential campaigns and in 2000 for then-Vice President Al Gore and for his wife's New York senatorial campaign. Hillary Clinton herself touched down in half a dozen churches in just one day during that Senate race -- while at the same time accusing her opponent of abandoning breast cancer victims. What happened to turning the other cheek, Senator?

Plenty of examples right here in Kentucky can be found as well. A year and a half ago, Democratic candidate for governor Ben Chandler went to a forum at a Louisville church expressly for the purpose of rallying voters. In 2002, congressional candidate Jack Conway spoke at least 20 times in churches to boost his campaign, several times with Democratic Rep. Charlie Rangel of New York in tow. At one of those churches, this very paper quoted a pastor as saying he would "drag people to the polls if necessary" to vote for Conway.

And during last year's presidential campaign, the Democratic National Committee hired a Kentucky minister as "director of religious outreach." Unfortunately for Democrats, she resigned less than two

weeks after taking the job when it was revealed that she favored removing the words "under God" from the Pledge of Allegiance.

Is this the kind of separation of church and state that liberals and the elite media so proudly stand up for?

The truth is Democrats and media elites only stand up for such lofty principles when it is in their interests. When Democrats address religious groups, they applaud. But when Frist does it, they pounce on him like a pack of hyenas on a wounded gazelle. That's the worst kind of rank hypocrisy.

As long as Democrats continue to defy 200 years of Senate tradition and prevent judicial nominees with majority support from having a fair up-or-down vote on the Senate floor, Frist and all Senate Republicans will speak out against it to any group willing to listen.

I thought it was a good thing for elected officials to talk with and make themselves accountable to their constituents -- including those in the religious community. Now I see that's only true for Democrats. Republicans who do exactly the same thing are "divisive." If you think that's a double standard, maybe you should let The Courier-Journal and Senate Democrats know.

Filibuster rules must be changed to do Senate work

Sen. John R. Thune / Argus Leader / 4-24-05

One hundred days ago last week, I was sworn in as a U.S. senator. I am humbled by the responsibility given to me by my fellow South Dakotans and thankful for the opportunity to serve our state and nation.

Since the moment I began my term, I set out to get things done for South Dakota. Working with my colleagues in our delegation and others from around the nation, we are delivering.

In my first 100 days, I'm proud to report that the Senate has already passed meaningful lawsuit and bankruptcy reforms - important legislation that was stalled for years and will now create thousands of new jobs. We've also moved forward with legislation to promote renewable fuels like ethanol and to reduce our dependence on foreign sources of energy by opening Alaska National Wildlife Refuge to oil exploration. One of my committees recently passed my ethanol bill, which would require refineries to blend 6 billion gallons of ethanol into gasoline by 2012. The bill improves on similar legislation that ethanol and oil producers agreed to in the last Congress but stalled as part of the energy bill. This year, I believe we will finally pass the renewable fuels legislation, strengthening South Dakota's farmers and America's environment.

We are also close to passing a long-overdue highway bill and critical funding for our troops overseas. I'm also proud to be an original co-sponsor of a constitutional amendment to protect the American flag from desecration. And hopefully, this is only the beginning. In the coming weeks and months, Congress is set to pass a fiscally responsible budget, take steps to lower health care costs and end the death tax once and for all. We

will debate plans to strengthen Social Security and strategies to win the war on terror. Our bipartisan agenda will create new jobs, strengthen families, and make America safer and more secure. But regrettably, all of this important work could come to a screeching halt because of an effort to prevent the Senate from fulfilling its constitutional responsibility to give its "advice and consent" to the president's judicial nominees.

For over 200 years, the Senate has fulfilled its role by giving judicial nominees up-or-down votes - with a majority of senators required to approve a nominee. But now, a minority of the Senate is filibustering certain judicial nominees who fail to pass their own political litmus test. Their actions must stop.

To guarantee that judicial nominees receive an up-or-down vote before the full Senate, the Senate is considering new limits on filibusters on judicial nominees. The common-sense rules we are considering are consistent with 200 years of tradition and would simply guarantee that all senators be given an opportunity to debate each nominee on the Senate floor and then decide for themselves how they will vote. Unfortunately, a minority within the Senate has denied the full body this right to vote through a use of the filibuster procedure never intended by our founding fathers. I came to Congress to get things done, and we delivered in our first 100 days. I'm optimistic that we can build on our success, but only if we reject the threats to shut down the government over the judicial nominee issue.

I'm honored to serve our state and proud of our early achievements. Working together, we can continue down the path of progress, tackling the great issues of our time to create new opportunities for South Dakotans.

Remarks by Majority Leader Bill Frist, M.D.
April 24, 2005

Tony, thank you. And good evening to all of you.

The judicial nominations debate has created quite a bit of controversy. Emotions are running high on both sides, and it reveals once again, our country's desperate need for more civility in political life.

All of us who are active in politics -- whether Republican or Democrat -- need to remember the lesson of Ronald Reagan -- that we can disagree without being disagreeable.

Now let me tell you about a disagreement that is going on in our nation's capital.

Never in 214 years, never in the history of the United States Senate had a judicial nominee with majority support been denied an up-or-down vote...until two years ago.

In the last Congress, however, a minority of senators denied ten of the president's judicial nominees an up-or-down vote. They wouldn't allow a vote, because they knew the nominations would be approved.

Now we are in a new Congress, and these same senators again threaten to obstruct the vote on judges. And, even worse, if they don't get their way, they threaten to shut down the Senate – and obstruct government itself.

Americans elect their senators to vote on the people's business. That is a senator's job -- to vote. If these senators are not prepared to fulfill their constitutional responsibilities, then why are they here in the first place?

Right now, there are 46 vacancies on the federal bench. Four of the appeals court vacancies are in the region that serves my home state of Tennessee.

Those four nominees have been waiting a combined thirteen years for a vote on the Senate floor. Thirteen years!

Either confirm the nominees or reject them . . . but don't leave them hanging. Don't leave our courts hanging. Don't leave our country hanging.

If the nominees are rejected . . . fine . . . that's fair. At least, rejection is a vote.

Give those nominees the courtesy and the respect of a vote.

Let me tell you about Priscilla Owen. A Texas Supreme Court justice for the last ten years -- she has received praise from both parties.

Former Justice Raul Gonzalez, a Democrat, said: "I found her to be apolitical, extremely bright, diligent in her work, and of the highest integrity. I recommend her for confirmation without reservation."

Justice Owen has also been a leader for providing free legal services to the poor. And she has worked to soften the impact of legal proceedings on children of divorcing parents.

On May 9, 2001, President Bush nominated Justice Owen to the fifth circuit court of appeals.

To this day, even though a majority of Senators support her, she has been denied an up-or-down vote on the floor of the Senate.

Ladies and gentlemen, Justice Owen deserves better. She deserves a vote.

To ensure Justice Owen and other judicial nominees get a vote, I've been trying to work out a compromise that would do just that.

It's not easy. My Democratic counterpart, Senator Reid, calls me a radical Republican.

I don't think it's radical to ask senators to vote.

I don't think it's radical to expect senators to fulfill their constitutional responsibilities.

I don't think it's radical to restore precedents that worked so well for 214 years.

Now if Senator Reid continues to obstruct the process, we will consider what opponents call the "nuclear option." Only in the United States Senate could it be considered a devastating option to allow a vote. Most places call that democracy.

But let me make one important point – this option only addresses the delay of judicial nominees.

In no way will it curb delays on legislation, which is a time-honored senatorial practice. "Mr. Smith" will still be able to go to Washington and take a stand on the Senate floor.

Now some Republicans – even some conservatives – don't think we should press the issue on requiring votes on judicial nominees.

They're concerned that in the future Republicans won't be able to use this same device to obstruct Democratic nominees.

Well ... that may be true. But if what Democrats are doing is wrong today, it won't be right for Republicans to do the same thing tomorrow.

Ladies and gentlemen, our judiciary must be independent, impartial and fair.

When we think judicial decisions are outside mainstream American values, we will say so. But we must also be clear that the balance of power among all three branches requires respect – not retaliation. I won't go along with that.

Allow me to close with how you can help.

I hope you'll call your senators and remind them -- whether they're Republican or Democrat -- that they work for you.

Tell them to do what's right. Tell them to do what's fair. Tell them to do their job – give judicial nominees the up-or-down votes they deserve.

Thank you for coming together to study this issue...and thank you for inviting me to be a part of this evening's discussion.
